IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 383 OF 2004

MR. JOSE FRANCISCO FERNANDES,PANAJI-GOA. ....Applicants

Versus

MRS.FLAVIA FERNANDES E PEREIRA AND 12 ORS., ...Respondents

Mr. Shivan Dessai, Advocate For The Applicant.

Mr. S.s. Kantak, Advocate For Respondents No.1 And 2.

Mr. M.s. Sonak, Advocate For Respondents No.9 And 10.

Coram:- A. P. LAVANDE, J.

Date:- 28th April, 2005

P.C.

Heard Mr. Dessai, Counsel for the applicant, Mr. Kantak, Counsel for respondents No.1 and 2 and Mr. Sonak, Counsel for respondents No.9 and 10. By this application, the applicant who is respondent No.9 in the Appeal from Order No.2/2004 prays that ex-parte Order dated 5.2.2004 passed in Appeal from Order No.2/2004 be quashed and set aside. According to Mr. Dessai, the ex-parte order was passed without serving the applicant.

Admittedly, the suit, out of which these proceedings have arisen, has been disposed of and, therefore, the question of quashing and setting aside the Order dated 5.2.2004, at this stage, does not arise. The learned Counsel appearing for the respondents do not dispute that the applicant was not served when the Order dated 5.2.2004 was passed. No further orders are required to be passed. Accordingly, the Misc. Civil Application No.383/2004 stands disposed of.